

JOHN R. GREEN
Acting United States Attorney
CAROL A. STATKUS
NICHOLAS VASSALLO
Assistant United States Attorneys
P.O. Box 668
Cheyenne, WY 82003-0668
Telephone: 307-772-2124
Facsimile: 307-772-2123
carol.statkus@usdoj.gov
nick.vassallo@usdoj.gov

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 06-CV-0184J
)	and
WYOMING AND COLORADO)	Consolidated Case No. 06-CV-171J
RAILROAD COMPANY, INC., et al.)	
)	
Defendants.)	

**UNITED STATES' SUBMISSION OF PROPOSED FINDINGS
OF FACT, CONCLUSIONS OF LAW AND ORDERS GRANTING
SUMMARY JUDGMENT IN FAVOR OF THE UNITED STATES**

In accordance with the Order on Initial Pretrial Conference and U.S.D.C.L.R.
7.1(b)(2)(D), Plaintiff United States, by and through the United States Attorney for the
District of Wyoming and Assistant United States Attorneys Carol A. Statkus and Nicholas

Vassallo, respectfully submits the attached proposed orders. The proposed findings of fact and conclusions of law are incorporated in the orders.

Respectfully submitted this 13th day of November, 2007.

JOHN R. GREEN
Acting United States Attorney

By: _____
CAROL A. STATKUS
NICHOLAS VASSALLO
Assistant United States Attorneys

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2007, I served the foregoing **UNITED STATES' SUBMISSION OF PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDERS GRANTING SUMMARY JUDGMENT IN FAVOR OF THE UNITED STATES** upon the following by the methods indicated below:

Charles Michael (Steve) Aron
Aron and Henning, LLP
1427 North Fifth Street, Suite 201
Laramie, WY 82072
cma@a-hlaw.com
*Attorney for Lawrence and Ginny
Otterstein*

☐ By Facsimile
☐ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☒ By Electronic Filing

William Perry Pendley
Joshua D. McMahon
Mountain States Legal Foundation
2596 South Lewis Way
Lakewood, CO 80227
wppendley@mountainstateslegal.com

☐ By Facsimile
☐ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☒ By Electronic Filing

Attorney for Marvin M. Brandt

Richard C. Bohling
Albany County Attorney's Office
525 Grand Avenue, Suite 304
Laramie, WY 82070
rbohling@co.albany.wy.us
*Attorney for Albany County
Commissioners*

☐ By Facsimile
☐ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☒ By Electronic Filing

James P. Schermetzler
Albany County Attorney's Office
525 Grand Avenue, Suite 100
Laramie, WY 82070
jschermetzler@co.albany.wy.us
Attorney for Albany County Commissioner

☐ By Facsimile
☐ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☒ By Electronic Filing

Karen J. Budd-Falen
Brandon Lee Jensen
Budd-Falen Law Offices LLC
P.O. Box 346
Cheyenne, WY 82003-0346
main@buddfalen.com
*Attorney for Roger L. Morgan;
Marilyn & David Yeutter; and Ronald B.
and Helen D. Yeutter*

☐ By Facsimile
☐ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☒ By Electronic Filing

Philip A. Nicholas
Anthony, Nicholas, Goodrich &
Tangeman
P.O. Box 928
Laramie, WY 82073
nicholas@wyolegal.com
*Attorney for Daniel & Susan McNierney
and
Breazeale Revocable Trust*

☐ By Facsimile
☐ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☒ By Electronic Filing

Theodore C. Preston
Prehoda, Leonard & Hanack, LLC
P.O. Box 789
Laramie, WY 82073-0789
tpreston@laramielaw.com
*Attorney for Patrick R. and Lynda L.
Rinker; and Patricia A. Rinker Flanigin
DuWayne & Elizabeth Keeney
Kenneth R. Lankford Sr.
Kenneth R. Lankford, II*

☐ By Facsimile
☐ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☒ By Electronic Filing

Mason F. Skiles
Skiles & Rodriguez
502 South 4th Street
Laramie, WY 82070
*Attorney for Gary & June Williams and
Edmund L. and Donna Ellen Gruber*

☐ By Facsimile
☒ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☐ By Electronic Filing

Gay Vanderpoel Woodhouse
Gay Woodhouse Law Office
211 West 19th Street, Suite 308
Cheyenne, WY 82001
gaywoodhouselaw@aol.com
Attorney for Donald & Wanda Graff

☐ By Facsimile
☐ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☒ By Electronic Filing

Karl Morell
Ball Janik, LLP
1455 F Street N.W., Suite 225
Washington, D.C. 20005
kmorell@dc.bjllp.com
*Attorney for Wyoming & Colorado
Railroad Company, Inc.*

☐ By Facsimile
☐ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☒ By Electronic Filing

Juan and Susan Torres
3513 Linestone Court
Fort Collins, CO 80525

☐ By Facsimile
☒ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☐ By Electronic Filing

Bunn Family Trust
Debra R. Hinkel, Trustee
P.O. Box 1010
Laramie, WY 82073

☐ By Facsimile
☒ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☐ By Electronic Filing

Ralph L. Lockhart
P.O. Box 36
Laramie, WY 82073

☐ By Facsimile
☒ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☐ By Electronic Filing

Duane and Patricia King
1802 Arnold Street
Laramie, WY 82070

☐ By Facsimile
☒ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☐ By Electronic Filing

Marilyn Flint and Marjorie Secrest
17200 West Bell Road, Lot 2146
Surprise, AZ 85374

☐ By Facsimile
☒ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☐ By Electronic Filing

Glenna Louise Marrs Trust
Glenna Marrs and Rondal Wayne,
Trustees
376 Gilmore Gulch
Laramie, WY 82070

☐ By Facsimile
☒ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☐ By Electronic Filing

Snowy Range Properties, LLC
1148 State Highway 11
Laramie, WY 82070

☐ By Facsimile
☒ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☐ By Electronic Filing

Ray L. Waits
8736 S. Carr Street
Littleton, CO 80128-6914

☐ By Facsimile
☒ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☐ By Electronic Filing

Michael and Sally Palmer
715 S. 11th Street
Laramie, WY 82070

☐ By Facsimile
☒ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☐ By Electronic Filing

Robert S. and Dorothy M. Pearce
David M. Pearce, Steve M. Pearce and
Kathlynn A. Lambert
2990 Plateau Drive
Salt Lake City, UT 84109

☐ By Facsimile
☒ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☐ By Electronic Filing

Steven P. And Janis A. Taffe
4062 Hwy 230
Laramie, WY 82070

☐ By Facsimile
☒ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☐ By Electronic Filing

Billy M. and Tobin L. Ratliff
719 South 4th Street
Laramie, WY 82070

☐ By Facsimile
☒ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☐ By Electronic Filing

Melody Morse
For the United States Attorney's Office